IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9175 of 2005

Between:

V. Malakondaiah Naidu, S/o Kondapanaidu,

70 years, R/o Lakkaraju Palli Village,

Anantasagaram Mandal, Nellore District.

….. PETITIONER

AND

1. The District Collector-cum-District Election Authority,

Nellore District, Nellore.

2. The Revenue Divisional Officer-cum-Deputy District Election

Authority, Nellore, Nellore District.

3. The Mandal Revenue Officer-cum-Election Officer,

Ananthasagaram Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not preparing the voters list of Lakkarajupalli Tank Water Users Association of Ananthasagaram Mandal in Nellore District as per Rule 9 of A.P. Farmers' Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules, 2003 before issuing notification for conducting the election to Lakkarajupalli Tank Water Users Association in Nellore District as illegal, unjust, arbitrary, discriminative, highhanded and against the principles of natural justice and also against Ruels and statutory provisions and consequently direct the respondents to prepare voters list as per Rule 9 of the A.P. Farmers' Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules, 2003 before issuing notification and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.GIRISH KUMAR

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 9175 OF 2005.

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ORAL ORDER:

Petitioner seeks declaration that the action of the respondents in holding elections for the Lakkarajupalli village Water Users Association on 25.4.2005 pending his appeal as illegal and arbitrary and contrary to the A.P. Farmers' Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003.

As seen from the record, the voters' list was published on
4-4-2005 and that the petitioner filed their objections before the District Collector on the same day i.e. on 10.4.2005 i.e. within seven days as prescribed under the amended Rule 10 of the Rules, for correction of the voters' list, but the same was not considered.

Having regard to the said facts and circumstances, since the petitioner filed his objections within the time limit, the District Collector is hereby directed to dispose of the objections/appeals preferred by the petitioner before 25.4.2005, in accordance with law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

21-04-2005

Note:

Issue operative portion of the

Order on wire at party's cost.

B/0 kvsn.

To

1. The District Collector-cum-District Election Authority,

   Nellore District, Nellore.

2. The Revenue Divisional Officer-cum-Deputy District Election

Authority, Nellore, Nellore District.

3. The Mandal Revenue Officer-cum-Election Officer,

Ananthasagaram Mandal, Nellore District.

4**. Two CCs to GP FOR IRRIGATION & COMM AREA DEV. High Court buildings, Hyderabad.**

5. Two CD copies.